

MEMORANDUM OF AGREEMENT
Between the
TENNESSEE DEPARTMENT OF TRANSPORTATION
and the
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
August 10, 2016

This Memorandum of Agreement (MOA) establishes an agreement between the Tennessee Department of Transportation (TDOT) and the Tennessee Department of Environment & Conservation (TDEC) concerning the acceptance of the TDOT Fundamentals of Erosion Prevention and Sediment Control Training Program (Program) as an approved extension of the TDEC Level 1 Tennessee Erosion Prevention and Sediment Control Training Program for Construction Sites and TDEC Statewide Stormwater Training Program. This MOA will outline the parameters in which the program will operate. The intent of the MOA is to foster inter-agency communication, cooperation, and coordination to better achieve that goal.

PURPOSE:

The TDOT Fundamentals of Erosion Prevention and Sediment Control Training Program, as described in this MOA, is accepted by TDEC and the Program certifies TDOT personnel to perform Erosion Prevention and Sediment Control (EPSC) inspections as specified in the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (CGP). The training materials presented in the Program are an adaptation of the TDEC Level 1 Tennessee Erosion Prevention and Sediment Control Training Program for Construction Sites (TDEC Level 1) class materials. Because of this, the Program is considered an approved extension of the TDEC Level 1 class.

Any certification issued through this Program will validate that TDOT employees meet the requirements to conduct EPSC inspections as specified in the CGP and serve as a pre-requisite for the TDEC Level 2 Design Principles of Erosion and Sediment Control for Construction Sites as specified in the CGP.

PROCEDURE:

Program Content:

The Program is a class which provides information for TDOT staff involved in construction / land-disturbing activities. The aim of the class is to build a working knowledge of regulations, erosion and sedimentation processes, EPSC measures, and practices related TDOT specific processes and requirements. Topics discussed in the class include: CGP and related Storm Water Pollution Prevention Plan (SWPPP) requirements; Function, installation, limitations, inspection and maintenance of EPSC measures; Roles of agencies involved in the permitting and regulatory process; Basic information

regarding hydrologic and erosion processes; and TDOT specific processes and requirements in regards to the EPSC implementation and inspection on projects.

Program Limitations:

The Program can only certify TDOT personnel that successfully complete the class. This certification will allow the employee to perform EPSC inspections on TDOT projects only. An employee's certification will become invalid upon their separation of service with the Department.

Each certification will be valid for a period of three (3) years. Prior to expiration of this certification, each employee will be required to successfully complete the Program training class to remain certified to conduct EPSC inspections.

Program Instructor Requirements:

Instructors for the Program will be composed of senior level Environmental Division, Compliance and Field Services staff. These instructors will have a strong working knowledge regarding the principles of EPSC, field experience, and an understanding of applicable regulations.

All instructors will be required to attend one (1) session with the Program developers regarding class format and rationale regarding the material selected for presentation. All instructors will be required to participate in the organization and presentation of one (1) class prior to instruction. This will be completed under the supervision of the Program developers.

Upon completion of the training, TDOT will provide the instructor's name to TDEC. All TDOT training instructors will be required to maintain their TDEC Level 1 certification while participating in this Program.

Program Certification Management:

TDOT instructors will meet each year to determine annual training needs. TDOT will contact TDEC regarding the annual class schedule. Prior to a class being conducted, TDOT will obtain a formatted spreadsheet from TDEC to track attendance and exam scores. Upon completion of the class, the spreadsheet will be completed by TDOT and returned to TDEC. Upon completion of the class and receipt of the class spreadsheet, TDEC will enter the class information into the existing TNEPSC database, post the results on-line, and update the record for each TDOT employee. If no record exists, TDEC will generate a record for that employee.

TDEC will generate a TDOT-specific TNEPSC certification number, expiration date, and TDOT-specific certification card for each individual that successfully completes the Program training class. TDEC will mail the certification cards to the TDOT Human Resource Division for distribution.

TDOT will incur no cost from TDEC regarding the maintenance of the TNEPSC database or the development and distribution of certification cards.

TDEC Program Oversight:

TDEC will conduct a Quality Assurance (QA) process to evaluate and monitor the Program. The oversight process will be documented and this documentation will be provided to TDOT. This oversight process will involve TDEC staff attending at a minimum one (1) class each year to evaluate TDOT training instructors and the class presentation. On an annual basis, TDEC and TDOT will discuss the current status of the training program, training materials, regulations, and any Program changes either departments recommends.

MODIFICATIONS:

This Agreement may only be modified by a written amendment executed by the parties. Either agency may unilaterally withdraw from this agreement with 90 days written notice by the parties.

IN THE WITNESS OF:

Tennessee Department of Transportation

By:  Date: AUG 12 2016
John C. Schroer, Commissioner

Approved as to Form:

By:  Date: 8/10/2016
John H. Reinbold, General Counsel

Tennessee Department of Environment and Conservation

By:  Date: 8-30-16
Robert J. Martineau, Jr. Commissioner

Approved as to Form:

By:  Date: 8-30-2016
Jenny Howard, General Counsel